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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/089,197 | 04/28/2003 | Adam Bosworth | 41016.P005 | 2419 |

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| EXAMINER | |
|---|---|
| CHAVIS, JOHN Q | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2193 | |

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/089,197 | BOSWORTH ET AL. | |
| | Examiner | Art Unit | |
| | John Chavis | 2193 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *26 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 5-6, 11-12, 15-16 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedman (6,675,353), as cited in the previous action. The previous action is cited again below with direct responses to the applicant's remarks listed in **bold.**

| What is claimed is: | Friedman |
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| 1. A method of computing comprising: reading and parsing a data processing representation; | See the abstract, 4th sentence, which indicates that information accumulated by the request object includes the namespaces (reading). Also, see the 5th sentence, which indicates that all of the |

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| | namespaces are collected and organized (parsing). **The applicant indicates that Friedman's request is not a "data processing representation as used and defined by the applicant; while, it is not clear where the applicant defines the term. Furthermore, modifications to data is a processing function (for, example, AddNamespace or assigning a moniker to a Namespace). Therefore, the feature is considered taught by Friedman.** |
| recognizing a declaration reference to an executable namespace; | See item 204 of figs. 8 and 9. **The applicant does not indicate who or what performs any of the recognizing steps. Therefore, the steps are broad enough that they can be performed by a user viewing a monitor.**<br><br>**The applicant further speaks of a processing logic providing the recognizing function; however, it is not clear which portion of the claims specify this.** |
| recognizing an **expression** referencing a function of the executable namespace; | See item 6 of the section labeled "moniker" in fig. 9. **The applicant indicates that Friedman does not teach recognizing expressions; while, the applicant's claim is merely to a single expression. Therefore, the applicant is not considered to teach recognizing expressions either. Furthermore, the applicant goes on to indicate that Friedman's client application may transmit namespace values and property values associated with the namespaces through API functions of the request object, such as "AddNamespace", etc. Now first of all, the examiner is not familiar with any situation in** |

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| | **which something is to be added that is not a function (see page 6 lines 7-8 of the applicant's specifications). Also, as indicated by the applicant, the function that is added is not just any random function, the function is AddNamespace. Therefore, it is not clear how this specific function is added without first being recognized. The applicant also indicates that a moniker may be assigned to a namespace. Note that an assigning function is also an expression that is recognized in order to be executed.**<br><br>**The applicant also speaks of a location of items on the host or in a path identified by the namespace value; while, it is not clear which part of the claim references this feature.** |
| **instantiating the referenced function** or a function creator to create the function, | See col. 1 lines 59-63. **The applicant also indicates that Friedman does not teach this feature. However, the broadest reasonable interpretation of this feature is highlighted on the left. The highlighted feature is considered taught by Friedman; since, the functions referenced above (for example, "AddNamespace" and "assigning a moniker to a namespace" are instantantiated by Friedman via his invocations, see col. 5 lines 40-42 and col. 8 line 62-col. 9 line 9, the cited portions clearly indicated the creating of the instance of functions. Note also in fig. 5 that Friedman creates request objects.** |
| then instantiate the created function; and | See col. 2 lines 48-61. **See also, specifically col. 9 lines 10-11, which creates or instantiates request objects.** |

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| evaluating the expression using the instantiated function. | See the namespace arbiter in col. 3 line 66-col. 4 line 2. **Here, if the request object is considered to be the object (function) instantiated, then, the Friedman evaluates the request object expression with the AddNamespace function, see col. 9 lines 10-60 and col. 10 lines 15-50. Therefore, the features are considered taught by Friedman and each of the rejections remain.** |
| 2. The method of claim 1, wherein said declaration includes a path in said executable namespace to be followed to locate functions of the executable namespace; and | See fig. 9 item 208. |
| said instantiation comprises following said path to locate said referenced function or the function creator of the referenced function. | " " " |
| 5. The method of claim 2, wherein said instantiating comprises determining if a loadable XSLT style sheet exists under a class path formed with said path said referenced function, and an XSLT style sheet extension; and | See col. 6 lines 23-45. |
| if the loadable resource exists under the class path, retrieving said loadable XSLT style sheet following said class path, and | See col. 6 lines 48-55. |
| calling said XSLT style sheet as a function section. | " " " |
| 6. The method of claim 2, wherein said instantiating comprises determining if a loadable resource exists under a class path formed with said path and a function creator name of said function; and | See the rejection of claim 5. |
| if the loadable resource exists under the | |

class path, retrieving said loadable
resource following said path, creating
said function using said loadable resource,

and instantiating said created function.

Claims 11-12 and 15-16 are rejected as claims 1-2 and 5-6 above.

The features of claim 21 are taught via claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3-4, 7-10, 13-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman as applied to claims 1-2 and 5-6 above, and further in view of the applicant's choice of which specific programming language to utilize to implement his invention. The feature is considered merely a choice of design since the features of instantiating and compiling are features inherent to programming languages such as Java and therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to select the Java programming language for use to take advantage of its inherent features. Friedman utilizes C+ language for some of its features, which requires instantiating and compiling and therefore, utilizing the Java language is considered merely choosing to select a different language to perform

features that are already an inherent part of the language currently utilized to take advantage of its built in functionality..

| Claims | Friedman |
|---|---|
| 3. The method of claim 2, wherein said instantiating comprises determining if a loadable Java class exists under a fully qualified name formed with said path and said referenced function; and | See col. 6 lines 23-45. |
| if the loadable Java class exists under the fully qualified name, instantiating said loadable Java class following said path. | See col. 6 lines 48-55. |
| 4. The method of claim 2, wherein said instantiating comprises determining if a loadable resource exists under a class path formed with said path said referenced function, and a class name; | See the rejection of claim 3. |
| and if the loadable resource exists under the class path, retrieving said loadable resource following said path, compiling said retrieved resource, and instantiating said compiled resource. | |
| 7. The method of claim 1, wherein said instantiating comprises first determining if a loadable Java class corresponding to the referenced function exists, and if not, whether a compilable resource corresponding to the referenced function exists. | See the rejection of claim 3. |
| 8. The method of claim 1, wherein said instantiating comprises first determining if a Java resource corresponding to the referenced function in executable or compilable exists, and if not whether an XSLT style sheet resource corresponding | See the rejection of claim 3 and col. 12 lines 46-60. |

to the referenced function exists.

| | | | | |
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| 9. The method of claim 1, wherein said instantiating comprises first determining if an XSLT style sheet corresponding to the referenced function resource exists, and if not whether a Java class factory corresponding to the referenced function exists. | " | " | " | " |
| 10. The method of claim 1, wherein said method further comprises recognizing at least one other function nested within said referenced function of the expression, and said evaluation comprises recursively invoking and instantiating the nested functions. | " | " | " | " |

Claims 13-14 and 17-20 are rejected as claims 3-4 and 7-10.

## *Conclusion*

### *Response to Arguments*

5. Applicant's arguments filed 5/26/06 have been fully considered but they are not persuasive, see the remarks above,.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-Th, 8:30am-5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC

John Chavis
Primary Examiner AU-2193